

SECOND REGULAR SESSION

# HOUSE BILL NO. 1456

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BLACK (Sponsor), QUINN, PACE, BROWN (50), FITZWATER,  
OXFORD, McGHEE, FUNDERBURK, TORPEY, SILVEY,  
SCHIEFFER AND BERNSKOETTER (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 559, RSMo, by adding thereto one new section relating to a mental health assessment pilot program.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 559, RSMo, is amended by adding thereto one new section, to be  
2 known as section 559.117, to read as follows:

**559.117. 1. The director of the department of corrections is authorized to establish,  
2 as a three-year pilot program, a mental health assessment process.**

**3 2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is  
4 hearing the criminal case in a participating county may request that an offender be placed  
5 in the department of corrections for one hundred twenty days for a mental health  
6 assessment and for treatment if it appears that the offender has a mental disorder or  
7 mental illness such that the offender may qualify for probation including community  
8 psychiatric rehabilitation (CPR) programs and such probation is appropriate and not  
9 inconsistent with public safety. Before the judge rules upon the motion, the victim shall  
10 be given notice of such motion and the opportunity to be heard. Upon recommendation  
11 of the court, the department shall determine the offender's eligibility for the mental health  
12 assessment process.**

**13 3. Following this assessment and treatment period, an assessment report shall be  
14 sent to the sentencing court and the sentencing court may, if appropriate, release the  
15 offender on probation. The offender shall be supervised on probation by a state probation**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended  
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 and parole officer, who shall work cooperatively with the department of mental health to  
17 enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.

18 4. Notwithstanding any other provision of law, probation shall not be granted  
19 under this section to offenders who:

20 (1) Have been found guilty of, or plead guilty to, murder in the second degree under  
21 section 565.021;

22 (2) Have been found guilty of, or plead guilty to, forcible rape under section  
23 566.030;

24 (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree  
25 under section 566.032;

26 (4) Have been found guilty of, or plead guilty to, forcible sodomy under section  
27 566.060;

28 (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first  
29 degree under section 566.062;

30 (6) Have been found guilty of, or plead guilty to, child molestation in the first  
31 degree under section 566.067 when classified as a class A felony;

32 (7) Have been found to be a predatory sexual offender under section 558.018; or

33 (8) Have been found guilty of, or plead guilty to, any offense for which there exists  
34 a statutory prohibition against either probation or parole.

35 5. At the end of the three-year pilot, the director of the department of corrections  
36 and the director of the department of mental health shall jointly submit recommendations  
37 to the governor and to the general assembly by December 31, 2015, on whether to expand  
38 the process statewide.

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